

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

**Rulemaking Regarding Hazardous Liquid  
Public Utility Safety Standards at  
52 Pa. Code Chapter 59**

**Public Meeting held February 22, 2024  
Agenda No. 3010267-LAW  
Docket No. L-2019-3010267**

**STATEMENT OF COMMISSIONER KATHRYN L. ZERFUSS**

I take the opportunity to voice my support of this final-form rulemaking regarding Hazardous Liquid Public Utility Safety Standards. This final-form rulemaking represents a long-overdue step forward towards improving pipeline safety in this Commonwealth. I also take this opportunity to highlight that pipelines are critical to Pennsylvania's energy infrastructure and there is a shared goal among all vested partners to ensure that hazardous liquid public utilities construct, operate and maintain pipelines in a manner that ensures protection of public health, safety and the environment.

This final-form rulemaking is the direct result of concerns raised by the public and identified by the Commission based on its oversight of recent pipeline construction in Pennsylvania. This rulemaking establishes Pennsylvania-specific safety standards that are more stringent than, and compatible with, the minimum Federal safety standards – for good reason.

I am acutely aware that Pennsylvania is unique in that it boasts more miles of streams than any other state – estimated at over 85,000 stream and river miles, has varied geology, has 3.5 million residents relying on private water wells, and has had recent pipeline projects located in densely populated areas.

To that end, I appreciate that the goal of this final-form rulemaking is to address the potential for spills, leaks, subsidence events and water supply contamination when hazardous liquid public utilities construct, operate and maintain pipeline facilities. This final-form rulemaking does this by adding requirements for accident reporting, public notice of when construction activities will occur, adequate analysis of potential impacts when crossing waterways and roadways, identification of nearby water supplies, coordination with local communities and emergency responders, training, public outreach and education. I stress that this rulemaking is necessary for the protection of public health, safety and the environment while ensuring that hazardous liquid public utilities in Pennsylvania furnish and maintain adequate, efficient, safe, and reasonable service and facilities and make all such repairs, changes, alterations, substitutions, extensions, and improvements necessary and proper for the safety of the public.<sup>1</sup>

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<sup>1</sup> Moreover, the right of the people of Pennsylvania to clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the environment as expressly provided by Article I, Section 27 of the Pennsylvania Constitution are fundamental to the quality of life of the people of Pennsylvania. Our Pennsylvania Supreme Court has found that all governmental entities are trustees of the Commonwealth's public natural resources. As such, the Commission shares responsibility for the protection of public natural resources with other

I also take this opportunity to acknowledge that not all pipeline projects pose the same level of risk, and these rules are not meant to dissuade pipeline construction. It is important to note that this rulemaking applies only to pipeline operators of intrastate pipelines that are jurisdictional to the Commission as hazardous liquid public utilities. This is a narrow subset of pipeline operators, and this final-form rulemaking does not encompass non-public utility gas and hazardous liquid pipelines. Additionally, this rulemaking does not contain any retroactive design or construction requirements for pipelines that exist when this rule is finalized. However, the operations and maintenance, accident reporting, and public awareness regulations do apply to existing hazardous liquid pipeline facilities. Significantly, the goal of this final-form rulemaking is to give Commission staff the tools they need to ensure proper oversight given our state-specific needs.

This is just one step in the Commission's efforts to address a comprehensive process to address pipeline safety. As noted in this Order, the Commission continues to examine pipeline integrity issues and will continue to consider efforts to further address the safety of public utility infrastructure.

**DATE: February 22, 2024**



**Kathryn L. Zerfuss, Commissioner**

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Commonwealth agencies and municipalities that have trustee duties under Article I, Section 27 of the Pennsylvania Constitution. The additional safety standards, including most notably the public notice and coordination with municipalities requirements, in this final-form rulemaking are consistent with the PUC's constitutional obligations.